

## **REMARKS**

Applicant would first like to thank the Examiner for the phone interview granted on February 7, 2003. During the interview applicant's attorney discussed the present invention and the distinctions of the present invention over the prior art. As result of the interview this continuing application and amendment have been file.

The Examiner in the Official Action dated December 13, 2002, finally rejected the subject application for the reasons set forth therein.

The Examiner in response to applicants' arguments stated that it is his position that Shiota et al. delivers a product to the customer based on a predetermined criteria established prior to receipt of the necessary material. Applicants respectfully submits that this is different than that provided by the present invention. In Shiota et al. it is acknowledged by the Examiner that the customer submits order information to have a roll of process film depicted in Fig. 2 in return for a product or rolls of film processed. At that point in time in Shiota et al., the customer has everything for fulfillment of the order. This is contrary to the present invention where the predetermined criteria is first established prior to receipt of the images need to fulfill the order.

In the present invention, as a result of a registration process, a customer account is established wherein a criteria is established, prior to receipt of the images as to what and when a particular goods/service will be provided. In Shiota et al. they already have the roll of captured images so the images are already in possession of the customer.

In Shiota et al., the order is designed to be fulfilled immediately upon placement of the order. In the present invention, the order is not provided until a predetermined criteria is reached as predetermined by the customer account. For example, in a situation where someone is to receive a CD containing images of the customer, the CD will not be provided until an appropriate number of images are received or time period has elapsed. A CD can contain many, many images, many more than what is typically provided on a single roll of film. The predetermined criteria would be if obtaining a predetermined number of images for example, 100 images. A CD containing these images would be provided automatically to the customer upon reaching the predetermined criteria. It can be

seen that the product that is delivered in accordance with the present invention is not determined at the time of placement and delivery of the images but upon reaching a criteria independent upon the actual delivery of the images.

In the present invention, the predetermined criteria is established prior to receipt of the necessary material needed to provide the product. In the instant application, the product is determined before the actual number of images are actually received or even captured. In order to accomplish this, a customer account must first be set up.

Independent claims 1, 10, 17, 20 62 and 71 have been amended to clarify this feature. Independent claim 34, 44, 53 and 59 include a registration process whereby the criteria is set up. In the present invention there is no ability to fulfill the order until that predetermined criteria is reached. This is again in contrast of the Shiota et al. reference wherein the order can be immediately fulfilled upon supplying of the order as everything is in possession of the customer at that point and time.

In the present invention it is the predetermined criteria that initiates the fulfillment of the order for the providing of the desired product. In the Shiota et al. reference it is the customer placing the order that provides initiation of the fulfillment of the product.

It is respectfully submitted that the order information as provided by Shiota et al., is not synonymous with the predetermined criteria as provided by applicants' invention.

The London Drug article and the Komiya et al. reference do not teach anything or suggest anything that would render applicants' invention obvious. The present invention requires the establishment of the product to be delivered and criteria for initiation of the product prior to actual receipt of image required for the producing of the goods and/or services. The prior art fails to teach or suggest this.

It is respectfully submitted that none of the references cited solely or in combination teach the invention as taught and claimed by applicants. In view of the foregoing applicants respectfully requests reconsideration.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Frank Pincelli', written over a horizontal line.

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**Version With Markings to Show Changes Made**

**In the Specification:**

The paragraph beginning on page 3, line 16 has been amended as set forth below:

providing a database for storing digital images with respect to the customer account;

The paragraph beginning on page 3, line 17 has been amended as set forth below:

providing at least one image that is stored on ~~to~~ the database and associated with the customer account; and

The paragraph beginning on page 3, line 18 has been amended as set forth below:

automatically providing a product with respect to the at least one image stored on the database after reaching a predetermined criteria established prior to receipt of the images required to provide a product.

The paragraph beginning on page 3, line 23 has been amended as set forth below:

--a computer having database for storing digital images associated with the customer account and a management section for managing customer orders with respect to the customer account and the stored digital images, the management section capable of receiving and storing the unique ID and registering the at least one image retaining device to ~~a~~ the customer account, the computer associating a particular goods and/or services to images obtained from the at least one image retaining device, prior to the receipt of the images required to provide the particular goods and/or services.--

The paragraph beginning on page 4, line 1 has been amended as set forth below:

In accordance with yet another aspect of the present invention there is provided a method for organizing images obtained from a plurality of discrete image retaining devices with respect to the customer account, comprising the steps of:

The paragraph beginning on page 4, line 8 has been amended as set forth below:

forwarding the ID for each of the image retaining devices in the group to database of a network photoservice provider for storage prior to the network photoservice provider receiving the image retaining devices for association with the customer account.

The paragraph beginning on page 4, line 10 has been amended as set forth below:

In accordance with still another aspect of the present invention there is provided a system for organizing images obtained from a group of a plurality discrete image retaining devices with respect to the customer account, each image retaining device having a unique ID, comprising:

The paragraph beginning on page 4, line 14 has been amended as set forth below:

--a computer having database for storing digital images and a management section for managing customer orders and the stored digital images, the management section capable of receiving and storing the unique ID of the group of the plurality of image retaining devices and registering the group to a customer account, the computer associating a particular goods and/or services to images obtained from the group of plurality of image retaining devices prior to

receipt of the group of plurality of discreet image retaining devices required for fulfillment of the particular goods and/or services.--

The paragraph beginning on page 6, line 17 has been amended as set forth below:

In still another aspect of the present invention there is provided a method for organizing images obtained from a at least one image retaining devices, comprising the steps of:

The paragraph beginning on page 6, line 23 has been amended as set forth below:

forwarding the ID for the at least one image retaining device to a network photoservice provider for association with the customer account storage prior to receipt of the at least one image retaining device.

**In the Claims:**

Claims 1, 10, 17, 20, 62, and 71 have been amended as set forth below:

1.(Twice Amended) A method for organizing a plurality of images obtained from a defined source, comprising the steps of:

——providing a database for storing digital images with respect to a customer account;

——providing at least one image that is stored on ~~to the~~ said database and associated with said customer account; and

——automatically providing a product with respect to said at least one image stored on said database after reaching a predetermined criteria established prior to receipt of the images required to provide said product.

10.(Once Amended) A system for organizing a plurality of images obtained from at least one image retaining device each having a unique ID, comprising:

——a computer having a database for storing digital images associated with a customer account and a management section for managing customer orders with respect to said customer account and said stored digital images, said management section capable of receiving and storing said unique ID and registering said at least one image retaining device to ~~a~~said customer account, said computer associating a particular goods and/or services to images obtained from said at least one image retaining device prior to the receipt of the images required to provide said particular goods and/or services.

17.(Twice Amended) A method for organizing images obtained from a plurality of discrete image retaining devices with respect to said customer account, comprising the steps of:

providing a plurality of discrete image retaining devices, each having a unique ID;

obtaining the ID from each of said image retaining devices;

providing a first group of said image retaining devices;

forwarding the ID for each of said image retaining devices in said group to database of a network photoservice provider for storage prior to said network photoservice provider receiving said image retaining devices for association with said customer account.

20.(Twice Amended) A system for organizing images obtained from a group of a plurality of discrete image retaining devices with respect to a customer account, each image retaining device having a unique ID, comprising:

——a computer having database for storing digital images and a management section for managing customer orders and said stored digital images with respect to said customer account, said management section capable of receiving and storing said unique ID of said group of said plurality of image retaining devices and registering said group to ~~a~~said customer account, said computer associating a particular goods and/or services to images obtained from

said group of plurality of image retaining devices prior to receipt of said group of plurality of discreet image retaining devices required for fulfillment of said particular goods and/or services.

62.(Twice Amended) A system for organizing a plurality of images obtained from a plurality strips of photographic film, each of said plurality of strips of film being provided in a discrete film cartridge, each of said plurality of strips photographic film having a unique ID recorded thereon, comprising:

a computer having database for storing digital images and a management section for managing customer orders and said stored digital images, said management section capable of receiving and storing said unique ID of said group of said plurality strips of photographic film and registering said plurality strips of photographic film to a customer account using said unique ID prior to receipt of said plurality of strips of photographic film required for fulfilling of said customer orders.

71.(Twice Amended) A method for organizing images obtained from at least one image retaining devices, comprising the steps of:

providing at least one image retaining devices having a unique ID;  
obtaining the ID from each of said at least one image retaining device; and

forwarding the ID for said at least one image retaining device to a network photoservice provider for association with a customer account storage prior to receipt of said at least one image retaining device.

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